

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RODNEY A. WHITING,

Plaintiff,

v.

1:12 -CV-274

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,**

Defendant.

APPEARANCES:

OF COUNSEL:

Erwin, McCane Law Firm
23 Elk Street
Albany, NY 12207
Counsel for Plaintiff

Thomas C. Erwin, Esq.

Social Security Administration
Office of the Regional General Counsel
26 Federal Plaza - Room 3904
New York, NY 10278
Counsel for Defendant

Robert F. Schriver, Esq.
Special Assistant U.S. Attorney

NORMAN A. MORDUE, U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Earl S. Hines, duly filed on the 15th day of January 2013. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Commissioner's decision denying disability-based benefits is affirmed. The complaint is dismissed.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 4, 2013
Syracuse, New York



Honorable Norman A. Mordue
U.S. District Judge